

#11
GAF
8/26/04RECEIVED
CENTRAL FAX CENTER

AUG 17 2004

OFFICIAL

DATE: 8/17/2004Number of Pages to Follow (including cover sheet) : 57

SEND TO: United States Patent Office

Examiner: Quynh H. NguyenGroup Art Unit: 2642Tel No: 703-305-5451Fax #: 703-872-9306FROM: Amy J. PattilloTel No: 512-402-9820

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS ABOVE VIA THE U.S. POSTAL SERVICE. THANK YOU.

Docket No. AUS92001830US1 Serial No. 10/015,383 Atty: AJPApplicant: BROWN ET AL

<input checked="" type="checkbox"/> Transmittal Letter (2 copies)	<input checked="" type="checkbox"/> Certificate of Facsimile
<input type="checkbox"/> Amendment	<input type="checkbox"/> Notice of Appeal (2 COPIES)
<input type="checkbox"/> Amendment AF	<input checked="" type="checkbox"/> Appeal Brief (3 copies)
<input type="checkbox"/> Ext. of Time	<input type="checkbox"/> Reply Brief
<input type="checkbox"/> IDS Statement	<input type="checkbox"/> Change of Address
<input type="checkbox"/> Other _____	_____

Deposit Acct. No. 09-0447Fees: Amendment _____ Notice of Appeal _____ Appeal Brief \$330.00 Other _____

Serial No. 10/015,383
Atty Docket AUS920010830US1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

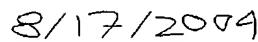
In re application of Michael Wayne Brown, et al. Serial No.: 10/015,383 Filed: 12/12/2001 Title: PROMOTING USE OF EXPERTS TO CALLERS WAITING IN A HOLD QUEUE Atty Docket: AUS920010830US1	: Before the Examiner: : Quynh H. Nguyen : Group Art Unit: 2642 : Intellectual Property Law Department : International Business Machines Corp. : 11400 Burnet Road : Austin, Texas 78758
---	--

Certificate of Facsimile Transmission

I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent Office at facsimile number 703-872-9306 on August 17, 2004 by Amy Pattillo.



Signature



Date

TRANSMITTAL OF NOTICE OF APPEAL UNDER 37 CFR 1.192(a)

Mail Stop Appeal Briefs-Patents
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attached is Appellants' Brief in triplicate, from a decision of the Examiner dated May 7, 2004, finally rejecting claims 1-10 and 38-46.

Please charge the fee of \$330.00 for submission of this Appeal Brief to IBM Corporation Deposit Account No. 09-0447.

The commissioner is hereby authorized to charge any additional fee which may be required or credit any overpayment to IBM Corporation Deposit Account No. 09-0447. A duplicate copy of this document is enclosed.

Respectfully submitted,



Amy J. Pattillo
Attorney for Applicants
Reg. No 46,983
(512) 402-9820

AUG 17 2004

Serial No. 10/015,838
Atty Docket No. AUS920010830US1IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of Michael Wayne Brown, et al. Serial No.: 10/015,383 Filed: 12/12/2001 Title: PROMOTING USE OF EXPERTS TO CALLERS WAITING IN A HOLD QUEUE Atty Docket: AUS920010830US1	: Before the Examiner: : Quynh H. Nguyen : Group Art Unit: 2642 : Intellectual Property Law Department : International Business Machines Corp. : 11400 Burnet Road : Austin, Texas 78758
---	--

OFFICIALCertificate of Facsimile Transmission

I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent Office at facsimile number 703-872-9306 on August 17, 2004 by Amy Pattillo.

Signature

8/17/2004

Date

APPEAL BRIEF

Mail Stop Appeal Briefs - Patents
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This present Brief is submitted in triplicate in support of the Appeal in the above-referenced application pursuant to a Notice of Appeal filed June 17, 2004 as required by 37 C.F.R. 1.192. This is an appeal of a final rejection dated May 7, 2004 of Claims 1-10 and 38-46 of application serial number 10/015,383, filed December 12, 2002.

I. Real Party in Interest

The real party in interest in the present application is the Assignee, International Business Machines Corporation of Armonk, New York. Applicants submitted an assignment for recordation at the time the application was filed, however, no notice of recordation was received. Applicants are resubmitting the assignment for recordation on 8/17/2004.

Serial No. 10/015,838
Atty Docket No. AUS920010830US1

II. Related Appeals and Interferences

There are no related Appeals or Interferences known to Appellant, Appellant's legal representative, or assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. Status of Claims

Claims 1-10 and 38-46 are pending. Claims 1-10 and 38-46 stand finally rejected as noted by the Examiner in the Examiner's Action dated May 7, 2004. Claims 1-10 and 38-46 are being appealed. These rejected claims which form the basis of this appeal are reproduced in the attached Appendix.

IV. Status of Amendments

The claims currently read as presented in the response dated 2/19/2004 in which Applicants amended claims 3, 7, and 10 and added claims 38-46. Applicants have not presented any amendments after the final office action.

V. Summary of the Invention

As described in the present specification at p. 9, lines 3-4, the present invention disclosed a method, system, and computer program for promoting use of experts by callers waiting in a hold queue. A call received at a call center is placed on hold until a next available representative of the call center is available, however, while the caller is waiting on hold, the caller is provided with an incentive to have the call passed to an expert, such that the caller may receive answers to questions without the need to wait for a representative of the call center (Page 9, lines 4-15). In one embodiment, the incentive for a caller to speak with an expert may include an adjustment in position within the hold queue, a financial incentive, a rewards points incentive, or a time incentive (Page 10, lines 3-6).

One advantage of the invention is that a caller remains in the hold queue for the call center and when a call center representative is available to speak with the caller, the caller may select whether to speak with the representative or continue to speak with the expert (Page 9, lines 13-15). Another advantage of the invention is that the identity of

Serial No. 10/015,838
Atty Docket No. AUS920010830US1

the expert may be authenticated before the caller is connected with the expert, such that only qualified experts are enabled to handle calls for a call center and the callers passing to an expert may be provided with the identity and skill level of an expert (Page 9, lines 26-29; Page 10, line 1 and lines 9-13).

According to one embodiment, an expert may include a freelance expert that works as a third party consultant for answering individual caller questions, a group expert that concurrently manages multiple callers, and an emergency expert that is skilled in a single emergency type of area and made available when a high volume of questions are detected in the single emergency type of area (Page 9, lines 17-23). According to another embodiment, the expert may operate from a calling system independent of the calling center (Fig. 2, expert system 52).

VI. Issues Presented for Review

1. Is the Examiner's rejection of claims 1, 2, 4-6, 8, and 9 under 35 USC 102(b) as being anticipated by Walker et al. (US Patent Number 6,125,178) well founded?
2. Is the Examiner's rejection of claims 3, 7, 10, and 38-46 under 35 USC 103(a) as being unpatentable under Walker et al. (US Patent Number 6,125,178) in view of Rupe et al. (US Patent Number 2003/0031309) well founded?

VII. Grouping of Claims

For purposes of this Appeal, claims 1-27 do not all stand or fall together.

Group I claims include claims 1, 5, and 9 which all stand or fall together.

Group II claims include claims 2 and 6 which all stand or fall together.

Group III claims include claims 4 and 8 which all stand or fall together.

Group IV claims include claims 3, 7, 10, 38, 39, 41, 42, 44, and 45 which all stand or fall together.

Group V claims include claims 40, 43, and 46 which all stand or fall together.

Serial No. 10/015,838
Atty Docket No. AUS920010830US1

VIII. Argument

Groups I, II, III

The Examiner has rejected claims 1, 2, 4-6, 8, and 9 under 35 USC 102(b) as being anticipated by Walker et al. (US Patent Number 6,125,178). “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed Cir. 1987). Furthermore the reference must be an enabling disclosure of each and every element as set forth in the claim. *In re Hoecksma*, 158 USPQ 596, 600 (CCPA 1968); *In re LeGrive*, 133 USPQ 365, 372 (CCPA 1962). Because the Examiner does not show that Walker et al. teaches each and every element of the claims 1, 2, 4-6, 8, and 9 or enables each and every element of these claims, these claims are not anticipated and thus the rejection is not well founded, and it should be reversed.

Walker discloses a call center where a caller can monitor other calls while awaiting an agent's response (Walker col. 1, lines 12-13). In particular, col. 4, lines 6-13 teach:

“Enabling an incoming caller whose call has been placed on hold in a queue to either “listen-in” on a live call-in-progress, to access and search through pre-recorded calls in the same subject area or to participate in a chat room, provides many benefits. Among these benefits are a reduction in calls that will require live operator assistance, an increase in customer satisfaction, and a decreased hold time for each caller.”

More specifically, col. 6, lines 17-38 teach a system where if a caller, waiting in a queue, agrees to hear additional information, then the caller may be allowed to “listen-in” to the current communication between an initial caller and a live operator of the call center who has answered the call from the initial caller. In particular, Walker teaches that “the connection of the incoming caller's line only allows a monitoring of the call in progress” (Walker col. 6, lines 26-28). Further, Walker notes

“that the initial caller who is currently talking to a live operator is

Serial No. 10/015,838
Atty Docket No. AUS920010830US1

provided the option of maintaining a private call. Should the caller not want another party to "listen in", he can simply designate so at the onset of the connection with the live operator. Call centers may provide callers with some incentive to allow other callers to "listen in". For example, a caller might receive a discount towards a future purchase for allowing an open line" (Walker col. 6, lines 29-36).

Group I

Each of the pending claims in Group I contain the limitation of "offering an incentive to said caller to transfer said call to an expert while said call is on hold in said hold queue waiting for said representative". In the final office action, the Examiner claims that the "offering an incentive" element is taught by Walker's teaching that "call centers provide callers, wherein in the callers would be knowledgeable in some areas such as travel, car insurance, etc., with incentive to allow other callers to listen in while the call is on hold waiting for the representative (Walker col. 4, lines 6-13 and col. 6, lines 33-36)." [Final Office Action, p. 2] The Examiner further noted in the final office action that "Applicant was advised during a telephone interview that claim 1 incorrectly implies that a caller will receive an incentive to have his/her call transferred to an expert agent within the call center. All callers would want to speak with an expert agent without any incentive." [Final Office Action, p. 2]

First, Applicants respectfully propose that Walker col. 4, lines 6-13 and col. 6, lines 3-36 merely teaches a method for allowing a caller to select from other listening options provided by the call center while the caller is waiting in a hold queue. Further, Walker describes some of the passive *benefits* to the call center, not to the caller, that may result from a caller selecting other listening options while the caller is waiting in a hold queue. Walker does not teach offering a specific *incentive* to a caller waiting in the hold queue to promote the caller selection from other listening options.

Second, Applicants respectfully assert that Walker col. 4, lines 6-13 and col. 6, lines 33-36 does not teach, as claimed by the Examiner, that call centers provide callers "who are knowledgeable in some area such as travel or car insurance, with an incentive to allow other callers to listen in while the call is on hold waiting for the representative."

Serial No. 10/015,838
Atty Docket No. AUS920010830US1

Walker specifically describes a system where an initial caller is connected to a live operator who answers the initial caller's questions (Col. 6, lines 33-36). The initial caller may allow other callers waiting on hold to listen in to the conversation between the initial caller and the live operator (Col. 6, lines 33-36). Walker does not indicate that the initial caller is the one who is knowledgeable in some area and does not describe knowledge in travel or car insurance. Thus, the Examiner does not show how Walker teaches or enables the element of "offering an incentive" because Walker does not teach what the Examiner cites Walker as teaching.

Third, Applicants respectfully assert that the teaching cited by the Examiner in Walker does not teach or enable the element of "offering an incentive to a caller to transfer said call to an expert while said call is on hold in said hold queue waiting for said representative." The claim element specifically offers the incentive to the caller who is waiting in the hold queue to speak with an expert. The Examiner only describes Walker as teaching a system where a caller already speaking with a representative is offered an incentive. Further, Walker col. 6, lines 33-36 actually teaches offering incentives to callers who are *already* talking with a representative, which is different from the offering of incentive to those callers who are *waiting* in a hold queue, as is taught in the present invention. Thus, the Examiner does not show how Walker teaches or enables the element of "offering an incentive" because the Examiner does not show how Walker teaches offering an incentive to a caller currently on hold to speak with an expert.

Fourth, Applicants respectfully assert that the Examiner's assertion that "claim 1 incorrectly implies that a caller will receive an incentive to have his/her call transferred to an expert because all callers would want to speak with an expert agent without any incentive" is without basis and merely reflects the Examiner's opinion and not a teaching by any cited reference. During the Interview, the Examiner more specifically informed Applicants that the term "benefit" described in Walker col. 4, lines 6-13 is the equivalent of the term "incentive" and that a caller would not need an incentive to speak with an expert. Applicants continue to assert that not only does Walker's teaching contradict the Examiner's assertion that claim 1 makes an incorrect implication, but the claim itself contradicts the Examiner's assertion. First, Walker's teaching contradicts the Examiner's assertion because within the Walker specification "incentives" provided to callers are

Serial No. 10/015,838
Atty Docket No. AUS920010830US1

distinguished from "benefits" passively received by a call center. Col. 6, lines 33-36 of Walker specifically refers to an *incentive*, and not a *benefit*, offered to callers already talking with a representative. Second, in contrast to Walker, the present invention teaches an active offering of a specific "incentive" to a caller waiting in a hold queue so that the caller knows the specific benefit that will be received if the caller selects to connect to an expert. An "offering of an incentive" to select to connect with an expert is distinguishable from the actual option to connect to an expert. Further, the specification of the present invention elaborates that the "incentives" specifically offered to callers may include financial incentives, reward point incentives, or specific adjustment in hold queue position adjustment points. [p. 10, lines 3-5]. The "incentives" are specifically designated in a menu of options provided to the user. [p. 27, lines 24-27]

Finally, in the final office action, the Examiner responded to the Applicants' argument to claim 1 by stating that: "Applicant argues that Walker does not teach providing an incentive for a caller waiting at a call center to connect to an expert that is independent of the call center. Examiner respectfully submits that "an expert that is independent of the call center" is not recited in the independent claims. Applicant further clarifies that the "experts may be independent entities..." (Remarks p. 11)." In the present appeal, Applicants respectfully note that Applicant's remarks, p. 11, describe the arguments made by Applicants during the interview regarding a potential amendment to claim 1 and not the responsive arguments asserted by Applicant in regard to the current claim 1 which was not amended because no agreement was reached during the Interview as to the potential amendment.

Each of the pending claims in Groups I, II, and III claims contain the limitation of "offering an incentive to said caller to transfer said call to an expert while said call is on hold in said hold queue waiting for said representative, such that use of said expert is promoted." In particular, Groups II and III contain claims that are dependent upon the claims in Group I and therefore contain the limitations of the claims in Group I. Consequently, Applicants urge that Walker fails to teach at least one element, including the element of "offering an incentive to said caller to transfer said call to an expert while said call is on hold in said hold queue waiting for said representative, such that use of said expert is promoted", in each of the Groups I, II and III claims. Therefore, reversal of

Serial No. 10/015,838
Atty Docket No. AUS920010830US1

the Examiner's rejection is respectfully requested.

Group II

Next, with regard to Group II, each of the pending claims in the Group II claims contains the limitation "wherein said expert is at least one from among a freelance expert, a query group expert, and an emergency expert."

The Examiner cites Walker as teaching that "to access and search through pre-recorded calls in the same subject area or to participate in a chat room (Walker col. 4, lines 6-13)" is equivalent to a query group expert. [Final Office Action, p. 2]

Applicants respectfully assert that Walker merely teaches a call option where a user can listen to pre-recorded calls independent of an expert or can participate in a chat room independent of an expert. In particular, Applicants note that listening to pre-recorded information is not analogous to connecting to a group expert. Further, in particular, Applicants note that enabling a caller to participate in a chat room does not teach, implicitly or explicitly, that an expert is available in the chat room or that there is any management of the information discussed in the chat room. In contrast, the specification indicates that a query group expert is one who concurrently manages multiple callers (page 9, line 20).

Therefore, Applicants urge that Walker fails to teach the element cited by the Examiner in each of the Group II claims. Consequently, reversal of the Examiner's rejection is respectfully requested.

Group III

Next, with regard to Group III, each of the pending claims in the Group III claims contains the limitation "wherein said incentive comprises at least one from among an adjustment in position within said hold queue, a financial incentive, a rewards points incentive, and a time incentive."

The Examiner cites Walker, col. 6, lines 34-37 as teaching this element. Walker col. 6, lines 34-37 read:

Serial No. 10/015,838
Atty Docket No. AUS920010830US1

“Call centers may provide callers with some incentive to allow other callers to “listen in”. For example, a caller might receive a discount towards a future purchase for allowing an open line.”

Applicants respectfully note that Walker teaches providing an incentive to a caller who is already talking with a representative. Walker does not teach offering an incentive to a caller who is waiting in a hold queue. Further, while Walker teaches providing a discount towards future purchases to a caller already speaking with a representative, Walker does not teach offering a currently available financial incentive to a caller waiting in the hold queue, nor an incentive of a specific jump in the hold queue, a rewards points incentive, or a time incentive. In contrast, claim 1, describes offering the current incentive to a caller who is waiting in a hold queue. Claims 4 and 8 further describe the incentive as an adjustment in position within the hold queue, a financial incentive, a rewards points incentive, and a time incentive.

Therefore, Applicants urge that Walker fails to teach at least one element of the Group III claims. Consequently, reversal of the Examiner’s rejection is respectfully requested.

Groups IV and V

Claims 3, 7, 10 and 38-46 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Walker et al. (US Patent Number 6,125,178) in view of Rupe et al. (US Publication 2003/0031309). Applicants first note the above proposition that each of the claims in Group I are not taught by Walker et al, and therefore as dependent claims of allowable subject matter, the claims of Groups IV and V should also be allowed. Applicants second note that the Examiner carries the burden of proving a prima facie case of obviousness for a 103(a) rejection. Because the Examiner does not carry the burden of proving a prima facie case of obviousness for claims of Groups IV and V, the rejection is not well founded, and it should be reversed.

Serial No. 10/015,838
Atty Docket No. AUS920010830US1

Group IV

Each claim in the Group IV claims includes the element of "said expert operating from a calling system independent of said call center." The Examiner suggests that Walker et al, col. 6, lines 34-37 teaches this element by teaching that "responsive to the caller selecting the incentive wherein the caller would be expert from some areas such as travel, car insurance, etc. and remotely located from the call center, for allowing other callers to listen in while the call is on hold waiting for the representative." [Final Office Action, pp. 3, 4]

In establishing a *prima facie* case of obviousness under 103(a), the combined prior art references must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.3d 488, 20 USPQ2d 1438 (Fed Cir. 1991). Applicants respectfully propose that the combined references do not teach or suggest the claimed limitation. First, as discussed with reference to claim 1, the Examiner's interpretation of Walker et al, col 6, lines 34-37 as teaching that the caller, who speaks with a live operator, is the expert, is not supported by the description in Walker et al. Thus, while a caller speaking with a live operator for a caller center may operate from a calling system independent of the caller center, there is no teaching in Walker, implicit or explicit, that a caller, who allows other callers to listen-in to the advice given by a live operator, is an expert.

In conclusion, neither Walker et al. or Rupe et al. teaches the element of "said expert operating from a calling system independent of said call center". Therefore, Applicants respectfully propose that the Examiner does not meet the burden of showing that the combined prior art references teach or suggest all the claim limitations. Consequently, reversal of the Examiner's rejection is respectfully requested.

Group V

Each claim in the Group V claims includes the elements of "authenticating an identity of an expert" and "only completing a connection if the identity of the expert matches a registered expert identity."

The Examiner cites Rupe et al. as teaching "a system for the call center 16 a voice response unit (VRU), the VRU include an interface for automatic speech recognition and interactive menus through which a caller may make selections, and based on the

Serial No. 10/015,838
Atty Docket No. AUS920010830US1

selections desired information may be located and retrieved from memory (page 2, [0019])." [Final Office Action, p. 4] The Examiner indicates that Rupe et al. does not specifically suggest "authenticating an identity of the expert to make sure the identity of the expert matches a registered expert identity at the call center before completing a connection between the expert and the caller." [Final Office Action, pp. 4-5] Thus, the Examiner concludes that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the VRU to also authenticate the identity of the expert through voice recognition before transferring the caller to the expert." [Final Office Action, p. 5]

First, in establishing a prima facie case of obviousness under 103(a), there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. *In re Vaeck*, 947 F.3d 488, 20 USPQ2d 1438 (Fed Cir. 1991). Applicants respectfully assert that any motivation to modify the VRU of Rupe et al. to perform voice authentication would only teach a VRU that performs voice authentication of callers, not experts. The VRU of Rupe et al. only teaches interacting with a caller, not with the interactive applications and call attendants described in Rupe et al. Thus, first modifying the VRU of Rupe to perform voice authentication, and then modifying the VRU to perform voice authentication of experts, rather than callers, to a call center, would require a combination of multiple types of arts, which would not be obvious to one of ordinary skill in the art of VRUs.

Second, in establishing a prima facie case of obviousness under 103(a), a prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). Applicants respectfully propose that modifying the VRU of Rupe et al. to perform voice authentication of parties to the call center other than callers, then Rupe et al. teaches away from the modification. Rupe et al teaches a system where a caller can wait in a hold queue of a call center and access interactive applications outside the call center, simultaneously. Rupe et al. teaches a VRU that can be used for voice recognition to enable a caller to select from a menu of choices. If it were obvious to one of ordinary

Serial No. 10/015,838
Atty Docket No. AUS920010830US1

skill in the art of VRUs at the time the present invention was made to modify the VRU to also authenticate the identity of the expert through voice recognition before transferring the caller to the expert, then it also would have been obvious to one of ordinary skill in the art of VRUs at the time that the invention of Rupe et al. was made to modify the VRU to authenticate the interactive applications or call center attendants provided to the caller. Rupe et al., however, does not teach authenticating the interactive applications or call center attendants. Thus, when Rupe et al. is considered as a whole, including the portions that lead away from the claimed invention, *prima facie* obviousness is not established.

In conclusion, the combination of Rupe et al. with the modification that the Examiner concludes would be obvious to one of ordinary skill in the art does not teach the elements of "authenticating an identity of an expert" and "only completing a connection if the identity of the expert matches a registered expert identity." Therefore, Applicants respectfully propose that the Examiner does not meet the burden of showing a *prima facie* case of obviousness. Consequently, reversal of the Examiner's rejection is respectfully requested.

Distinguishing the Groups

Responsive to the requirement under 37 CFR 1.192(c)(8)(iii), Applicants assert that the claims in Groups I-V are separately patentable.

First, the claims in Groups I-III are rejected under 35 USC 102. The claims in Group I are independent claims upon which all the other claims are dependent, and are therefore separately patentable as independent claims. Groups II, III, IV, and V contain claims that are dependent on the claims in Group I. The dependent claims in Group II are each separately patentable from the claims in Groups I and III because the claims in Group II each limit the type of expert that is available for callers. The dependent claims in Group III are each separately patentable from the claims in Groups I and II because the claims in group limit the type of incentive available for callers.

The claims in Groups IV and V are rejected under 35 USC 103 which is a separate ground of rejection from the claims in Groups I-III. The dependent claims in Group IV are separately patentable from the claims in Group V because the claims in Group IV limit the location from which the expert operates as one independent of the call

Serial No. 10/015,838
Atty Docket No. AUS920010830US1

center. The dependent claims in Group V are separately patentable from the claims in Group IV because the claims in Group V limit the caller to accessing only those experts whose identity is properly authenticated.

CONCLUSION

It is therefore respectfully requested that the Examiner's rejection of claims 1, 2, 4-6, 8, and 9 under 35 USC 102(b) be reversed. In addition, it is therefore respectfully requested that the Examiner's rejection of claims 3, 7, 10, and 38-46 under 35 USC 103(a) be reversed. It is respectfully submitted that the pending claims are patentable under 35 USC 102(b) and 103(a) and allowance of these claims is respectfully requested.

Please charge the fee of \$330.00 for submission of a Brief in Support of Appeal to IBM Corporation Deposit Account No. 09-0447. No additional filing fee is believed to be necessary; however, in the event that any additional fee is required, please charge it to IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,



Amy J. Pattillo
Attorney for Applicants
Reg. No 46,983
(512) 402-9820

Serial No. 10/015,838
Atty Docket No. AUS920010830US1

Appendix

1. A method for managing an on hold call comprising:
 - receiving a call at a call center from a caller;
 - placing said call on hold in a hold queue until a representative of said call center is available to answer said call; and
 - offering an incentive to said caller to transfer said call to an expert while said call is on hold in said hold queue waiting for said representative, such that use of said expert is promoted.
2. The method for managing said on hold call according to claim 1, wherein said expert is at least one from among a freelance expert, a query group expert, and an emergency group expert.
3. The method for managing said on hold call according to claim 1, further comprising:
 - responsive to said caller selecting said incentive, transferring said call to said expert operating from a calling system independent of said call center;
 - responsive to detecting said call at the top of said hold queue, notifying said caller of an availability of said representative while said caller is connected to said expert.
4. The method for managing said on hold call according to claim 1, wherein said incentive comprises at least one from among an adjustment in position within said hold queue, a financial incentive, a rewards points incentive, and a time incentive.

Serial No. 10/015,838
Atty Docket No. AUS920010830US1

5. A system for managing an on hold call comprising:
 - a call center comprising a hold queue;
 - means for receiving a call at said call center from a caller;
 - means for placing said call on hold in said hold queue until a representative of said call center is available to answer said call; and
 - means for offering an incentive to said caller to transfer said call to an expert while said call is on hold in said hold queue waiting for said representative, such that use of said expert is promoted.
6. The system for managing said on hold call according to claim 5, wherein said expert is at least one from among a freelance expert, a query group expert, and an emergency group expert.
7. The system for managing said on hold call according to claim 5, further comprising:
 - means responsive to said caller selecting said incentive, for transferring said call to said expert operating from a calling system independent of said call center;
 - means responsive to detecting said call at the top of said hold queue, for notifying said caller of an availability of said representative while said caller is connected to said expert.
8. The system for managing said on hold call according to claim 5, wherein said incentive comprises at least one from among an adjustment in position within said hold queue, a financial incentive, a rewards points incentive, and a time incentive.

Serial No. 10/015,838
Atty Docket No. AUS920010830US1

9. A computer program product for managing an on hold call, said computer program product comprising:

a recording medium;

means, recorded on said recording medium, for detecting a call received at a call center from a caller;

means, recorded on said recording medium, for controlling placement of said call on hold in a hold queue until a representative of said call center is available to answer said call; and

means, recorded on said recording medium, for offering an incentive to said caller to transfer said call to an expert while said call is on hold in said hold queue waiting for said representative.

10. The computer program product for managing said on hold call according to claim 9, further comprising:

means, recorded on said recording medium, for transferring said call to said expert operating from a calling system independent of said call center;

means, recorded on said recording medium, for notifying said caller of an availability of said representative when said caller reaches the top of said hold queue while said caller is connected to said expert.

Claims 11-37 (cancelled).

38. The method for managing said on hold call according to claim 1, wherein said expert operates from a call system independent of said call center.

Serial No. 10/015,838
Atty Docket No. AUS920010830US1

39. The method for managing said on hold call according to claim 1, further comprising:

responsive to said caller electing said incentive, transferring said call to said expert at a call system independent of said call center.

40. The method for managing said on hold call according to claim 1, further comprising:

authenticating an identity of said expert before completing a connection between said expert and said caller; and

only enabling completion of said connection if said identity of said expert matches a registered expert identity at said call center.

41. The system for managing said on hold call according to claim 5, wherein said expert operates from a call system independent of said call center.

42. The system for managing said on hold call according to claim 5, further comprising:

means, responsive to said caller electing said incentive, for transferring said call to said expert at a call system independent of said call center.

Serial No. 10/015,838
Atty Docket No. AUS920010830US1

43. The system for managing said on hold call according to claim 5, further comprising:

means for authenticating an identity of said expert before completing a connection between said expert and said caller; and

means for only enabling completion of said connection if said identity of said expert matches a registered expert identity at said call center.

44. The computer program product for managing said on hold call according to claim 9, wherein said expert operates from a call system independent of said call center.

means, recorded on said recording medium, for offering said incentive to said caller to transfer said call to said expert operating from a call system independent of said call center.

45. The computer program product for managing said on hold call according to claim 9, further comprising:

means, recorded on said recording medium, for transferring said call to said expert at a call system independent of said call center.

46. The computer program product for managing said on hold call according to claim 9, further comprising:

means, recorded on said recording medium, for authenticating an identity of said expert before completing a connection between said expert and said caller; and

means, recorded on said recording medium, for only enabling completion of said connection if said identity of said expert matches a registered expert identity at said call center.